

Brian Sheldon, WSBA #32851
Phillabaum, Ledlin, Matthews & Sheldon
1235 North Post Street, Suite 100
Spokane, Washington 99201
509-838-6055
509-625-1909 - fax
bsheldon@spokelaw.com

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

JAMES CRAIG,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, a foreign insurer

Defendant.

NO.

COMPLAINT FOR DECLARATORY
AND EQUITABLE RELIEF AND
BENEFITS OWED

COMES NOW PLAINTIFF, JAMES CRAIG, by and through Brian Sheldon and Phillabaum Ledlin Matthews & Sheldon, PLLC, his attorneys, and alleges as follows:

I. PARTIES

1.1 James Craig ("Craig") is a resident of Spokane, Spokane County, Washington. He is the named beneficiary on a group disability policy issued to Craig's employer, Providence Health and Services, by Metropolitan Life Insurance Company ("Metropolitan").

1.2 Metopolitan is a foreign insurer with a registered address in New York, New York.

COMPLAINT FOR DECLARATORY AND
EQUITABLE RELIEF AND BENEFITS OWED - 1

PHILLABAUM LEDLIN MATTHEWS
& SHELDON, PLLC
ATTORNEYS AT LAW
1235 NORTH POST STREET, SUITE 100
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 838-6055

II. JURISDICTION AND VENUE

2.1 Jurisdiction and venue are proper in this court under 29 U.S.C. §1132 for resolution of an ERISA benefit plan dispute.

III. FACTUAL BACKGROUND

3.1 James Craig, at all times relevant hereto was an employee of Providence Health & Services, where he was employed as a dietetic technician.

3.2 Providence maintained an ERISA employee benefit plan (“the Plan”) including group disability benefits through Metropolitan.

3.3 Mr. Craig was an eligible employee for group disability benefits provided under the Plan by Metropolitan.

3.4 On or about May 30, 2016, Mr. Craig took leave from his employment due to a diagnosis of paroxysmal kinesigenic dyskinesia. Mr. Craig had been diagnosed with his condition since approximately 2007 and over the years his symptoms progressed in frequency to the point he was unable to continue working.

3.5 Metropolitan denied Craig’s claim for disability benefits stating there is insufficient documentation of his disability.

3.6 Mr. Craig appealed the adverse benefit determination and submitted opinions from two neurologists who opined that Mr. Craig was disabled from performing his job duties.

3.7 Metropolitan denied Mr. Craig’s appeal. Metropolitan’s denial of the appeal made no mention of the opinions of the neurologists, nor did Metropolitan consider other evidence submitted by Mr. Craig, including medical records and videos of Mr. Craig’s seizure disorder resulting from his dyskinesia.

3.8 Metropolitan’s denial of the appeal was arbitrary and capricious because it did not consider all of the relevant information in making its appeal determination.

3.9 Mr. Craig has exhausted his administrative remedies under the Metropolitan policy and has standing to bring this lawsuit.

**IV. FIRST CAUSE OF ACTION
CLAIM FOR BENEFITS**

4.1 Mr. Craig is an eligible employee under the Metropolitan disability policy and brings this action to recover benefits according to the terms of the policy.

**V. SECOND CAUSE OF ACTION
BREACH OF FIDUCIARY DUTIES/EQUITABLE RELIEF**

5.1 Metropolitan breached its fiduciary duty by ignoring relevant information relating to Mr. Craig's disability. Mr. Craig requests equitable relief against the Plan and Metropolitan to enforce the terms of the policy and for any other relief pursuant to 29 U.S.C. §1132(a)(3).

VI. RELIEF REQUESTED

Based on the foregoing allegations, plaintiff requests relief as follows:

1. A de novo review of the adverse benefit determination.
2. Benefits owed under the policy.
3. Accrued interest on the benefits owed.
4. For costs and reasonable attorney fees.
5. Any other relief the Court deems just and equitable.

Dated this 18th day of January, 2018

PHILLABAUM, LEDLIN, MATTHEWS
& SHELDON, PLLC

/S/ BRIAN S. SHELDON

Brian S. Sheldon, WSBA #32851
Attorneys for Plaintiff

F:\Users\Shannan\Craig\PLD\Complaint122817.wpd

COMPLAINT FOR DECLARATORY AND
EQUITABLE RELIEF AND BENEFITS OWED - 3

PHILLABAUM LEDLIN MATTHEWS
& SHELDON, PLLC
ATTORNEYS AT LAW
1235 NORTH POST STREET, SUITE 100
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 838-6055